

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

JAMES GRAY,)	
)	
Plaintiff,)	
)	
v.)	Case No. <u>CIV-17-369-M</u>
)	(Formerly Oklahoma County
NMD HOLDING, LLC, d/b/a)	Case No. CJ-2017-297)
NORMAN MITSUBISHI, a domestic)	
limited liability company,)	
)	
Defendants.)	

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. § 1441 and 1446, Defendant, NMD Holding, LLC d/b/a Norman Mitsubishi (“Defendant”), hereby removes this action from the District Court of Cleveland County, Oklahoma, where it was filed as Cause No. CJ-2017-297, styled *James Gray v. NMD Holding, LLC d/b/a Norman Mitsubishi*, to the United States District Court for the Western District of Oklahoma. As the grounds for removal, Defendant states as follows:

1. Plaintiff filed his Original Petition and Representative Action Under the Fair Labor Standards Act and Demand for Jury Trial (“Plaintiff’s Petition”) in this matter on March 8, 2017 in the state court of Cleveland County, Oklahoma, which is located within the Western District of Oklahoma.

2. Defendant was served with Summons on March 13, 2017. A copy of Plaintiff’s Petition is attached hereto as Exhibit “1,” and a copy of the Summons is attached hereto as Exhibit “2”.

3. This is a civil action over which this Court has original subject matter jurisdiction under the provisions of 28 U.S.C. § 1331. Pursuant to Plaintiff's Petition, Plaintiff's claims arise out of alleged violations of federal law that allegedly occurred during his employment by Defendant. Specifically, Plaintiff's Petition alleges the violation of the federal Fair Labor Standards Act, 29 U.S.C. §§ 206, 216(b). See Petition, ¶¶ 1, 5, 11, 12, 17, 18, 34, 35, 36, 37-50. Therefore, this Court has jurisdiction under 28 U.S.C. § 1331, and this action may be removed to this Court pursuant to the provisions of 28 U.S.C. § 1441(a).

4. Plaintiff also brings state law claims that are part of the same case or controversy such that this Court has supplemental jurisdiction over them pursuant to 28 U.S.C. § 1367(a). See Petition, ¶¶ 1, 52-70.

5. This Notice of Removal is timely because it is filed within thirty (30) days from the date Defendant received a copy of the Petition. See 28 U.S.C. § 1446(b).

6. As required by 28 U.S.C. § 1446(d), written notice of the filing of this Notice of Removal is being filed this day with the Clerk of the District Court of Cleveland County, Oklahoma.

7. In accordance with LCvR 81.2, Fed. R. Civ. P. 81 and 28 U.S.C. § 1446(a), copies of all process and pleadings previously served upon Defendant, including a copy of the state court docket sheet, are attached hereto as Exhibits "1" through "6".

8. There are no motions pending before the Cleveland County District Court in this matter, nor are any hearings currently set.

WHEREFORE, Defendant respectfully removes this action to this Court.

Respectfully submitted,

s/Joshua W. Solberg

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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on April 3, 2017, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing and deposited a copy in the U.S. mail, postage prepaid, to the following registrants:

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s/Joshua W. Solberg

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